

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ALEX DEAN HAMILTON,

Plaintiff,

vs.

DETECTIVE JESSE SLAUGHTER,
GREAT FALLS TRIBUNE,
CASCADE COUNTY DETENTION
CENTER,

Defendants.

CV-17-92-GF-BMM

ORDER

Plaintiff Alex Hamilton (Hamilton) filed a proposed Complaint on September 6, 2017. (Doc. 2). Hamilton is a prisoner proceeding *pro se*. Hamilton alleges that the Defendants have violated his rights under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. 104-191, 110 Stat. 1936, by publishing his HIV status in the local newspaper without his permission. (Doc. 2 at 6).

Judge Johnston entered Findings and Recommendations in this matter on September 11, 2017. (Doc. 3). Judge Johnston recommended that Hamilton's Complaint be dismissed for failure to state a claim. (Doc. 3 at 5). Hamilton did not file objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full. HIPAA provides no private right of action to persons who believe their HIPAA rights have been violated. *Webb v. Smart Document Solutions, LLC*, 499 F.3d 1078, 1081 (9th Cir. 2007).

Accordingly, IT IS ORDERED:

1. Hamilton's Complaint (Doc. 2) is DISMISSED with prejudice.
2. The filing of this action counts as one strike given that Hamilton has failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).
3. Any appeal of this decision would not be taken in good faith as Hamilton's claim is frivolous. Fed. R. App. P. 24(a)(3)(A).
4. The Clerk is directed to enter judgment accordingly.

DATED this 21st day of March, 2018.



Brian Morris
United States District Court Judge